

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CAUSE NO. 3:20-CR-128-CWR-LGI-1

WILLIAM GLENN CHUNN, et al.

DEFENDANTS

ORDER DENYING MOTIONS TO DISMISS

Before the Court is William Glenn Chunn’s motion to dismiss. Docket No. 201. The Court will not reach the merits of Chunn’s *pro se* motion because it violates the hybrid representation rule.

On July 27, 2022, Chunn filed a *pro se* “motion to dismiss indictment,” arguing for dismissal on double jeopardy grounds. *Id.*

Pursuant to 28 U.S.C. § 1654, “[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel” “Courts have consistently interpreted this statute as stating a defendant’s rights in the disjunctive” so that a “criminal defendant does not have the right . . . to a ‘hybrid representation,’ partly by counsel and partly by himself.” *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir. 1978). “[U]nless an attorney’s actions effectively deny the defendant his sixth amendment right to the assistance of counsel, the defendant is bound by his attorney’s decisions during trial.” *Id.*

Chunn is represented by able counsel and therefore cannot file documents in a *pro se* capacity. *See United States v. Haynes*, No. 4:15-CR-73-5, 2016 U.S. Dist. LEXIS 100333 (N.D. Miss. Aug. 1, 2016); *Martinez v. Dretke*, 426 F. Supp. 2d 403, 534 (W.D. Tex. 2006); *Howard v. Epps*, No. 3:07-CV-10-P, 2010 U.S. Dist. LEXIS 63727 at *1 (N.D. Miss. June 28, 2010).

The Court therefore ORDERS Chunn's *pro se* motion requesting dismissal of the indictment [201] be DENIED without prejudice as to the merits.

SO ORDERED, this the 1st day of August, 2022.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE